

IN THE DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

STATE OF MARYLAND

v.

NEDHEMIAS OMAR GARCIA-MARTINEZ

CASE NO. D-05-CR-23-
023104

REQUEST FOR/CERTIFICATE OF DISCOVERY AND TO PRODUCE EXPERTS

Defendant requests pursuant to Rule 4-262 and the State's obligations under Brady v. Maryland, 373 U.S. 83 (1963),

(a) That the State disclose the name, address and telephone number of each person whom the State intends to call as a witness at the hearing or trial to prove its case in chief or to rebut alibi testimony;

(b) That the State disclose the complete criminal history of each person whom the State intends to call as a witness at trial;

(c) That the State produce and provide a copy of the Defendant's, and any co-defendant's, criminal history to include prior criminal convictions, pending charges and probationary status;

(d) That the State provide all evidence of other crimes, wrongs, or acts committed by the Defendant that the State intends to offer at a hearing pursuant to Rule 5-404;

(e) That as to all statements made by the Defendant that relate to the offense charged, the State furnish (1) a copy of each written or recorded statement, (2) the substance of each oral statement and a copy of all reports of each oral statement, and (3) all material and information, including documents, notes, and recordings, that relate to acquisition of such statements;

(f) That as to all statements made by a co-defendant that relate to the offense charged the State furnish (1) a copy of each written or recorded statement, (2) the substance of each oral statement and a copy of all reports of each oral statement, and (3) all material and information, including documents, notes, and recordings, that relate to acquisition of such statements;

(g) That the State preserve, transcribe, and provide the defendant all telephonic 9-1-1 tape recordings relating to this incident;

(h) That the State provide to the defense copies of any report(s) prepared by law enforcement officers at any stage of the investigation of this incident, including all handwritten notes by any investigating authority and/or law enforcement official made during the investigation of this incident;

(i) That, as to each expert consulted by the State, the State provide (1) the

expert's name and address, the subject matter of the consultation, the substance of each expert's findings and opinions, and a summary of the grounds for each opinion; (2) the opportunity to inspect and copy all written reports or statements made in connection with the action by the expert, including the results of any exam, test, experiment, or comparison; (3) the substance of any oral report and conclusion by the expert;

(j) Gives notice that pursuant to Maryland Courts and Judicial Proceedings §10-306(b), Defendant requests that any person having administered any chemical test in the above-captioned case be present to testify as to the results of that test on the day of trial. Gives notice to the Office of the State's Attorney that pursuant to Maryland Courts and Judicial Proceedings §10-304(c), Defendant requests that the qualified medical person be present to testify at trial.

(k) Gives notice that pursuant to Maryland Courts and Judicial Proceedings 10-1003(a)(1) and Maryland /courts and Judicial Proceedings 2110-9140(1) - (3) demands at all times during the pendency of the above-captioned matter the presence of: (a) the chemist or analyst who performed the test or tests as to the nature of the alleged controlled dangerous substance(s) underlying the charge(s) brought against the Defendant, and (b) any and all other persons in the chain of custody of said alleged dangerous substance(s)

(l) That the State produce and permit the Defendant to inspect, copy and photograph any documents, computer generated evidence as defined in Rule 2-504.3, recordings, photographs, or other tangible things that the State intends to use at the hearing or trial and the defendant requests copies of all images documenting crime scene, evidence, witnesses, or any other documentary evidence connected to the above captioned case, regardless of whether the state intends to use the evidence in trial;

(m) That the State produce and permit the Defendant to inspect, copy, and photograph any item obtained from or belonging to the Defendant, whether or not the State intends to use the item at the hearing or trial;

(n) That the State provide the Defendant with any other discovery to which the Defendant is entitled by statute, case law, rule or otherwise;

(o) That the State provide the Defendant with any computer generated evidence as defined in Maryland Rule 2-504.3;

(p) That the State produce and permit the Defendant to inspect and copy all files maintained by any Victim/Witness Coordinators employed by the State which contain any statements pertaining to the instant charges against the Defendant;

(q) That the State produce all material or information, in any form, whether or not admissible, that tends to exculpate the Defendant or negate or mitigate the Defendant's guilt or punishment as the offense charged;

(r) That the State produce all material or information, in any form, whether or not admissible, that tends to impeach a witness, including: evidence of prior conduct showing the character of the witness for truthfulness; the relationship between the State's Attorney and the witness, including the nature and circumstances of any

agreement, understanding, or representation that may constitute an inducement for the cooperation or testimony of a witness; prior criminal convictions, pending charges, or probationary status; an oral statement of the witness, not otherwise memorialized that is materially inconsistent with another statement made by the witness or with a statement made by another witness; medical or psychiatric condition or addiction of a witness that may impair the witness's ability to testify truthfully and accurately; any information or material, in any form, relating to a witness's failure to pass a polygraph test; and any information or material, in any form, relating to a witness's failure to identify the Defendant or a co-defendant;

(s) That the State provide the Defendant with all relevant material or information regarding: specific searches and seizures, eavesdropping, and electronic surveillance including wiretaps; and pretrial identification of Defendant by a state's witness.

(t) Pursuant to Maryland Criminal Law §7-105.1(c)(2), the Defendant demands that the owner of the motor vehicle that has been allegedly operated, used, or possessed without owner's permission appear at trial as a prosecution witness

(u) Gives notice to the Office of the State's Attorney that pursuant to CR§11-306, the Defendant intends to assert the defense of duress where applicable

Defendant may call as a defense witness at any hearing or trial in this matter any individual that is listed in the reports or discovery materials of the state.

Respectfully submitted,

/S/ Prince George's County Public Defender

Prince George's County Public Defender

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CERTIFICATES OF SERVICE AND COMPLIANCE WITH MD. RULE 1-322.1(b)

I HEREBY CERTIFY in accordance with Maryland Rule 1-322.2(a)(1) that neither this pleading nor any submission attached thereto contains any personal identifying information described in Maryland Rule 1-322.1(b).

I HEREBY CERTIFY that on 9/14/2023 a copy of the foregoing was delivered to the State's Attorney's Office for Prince George's County.

/S/ Prince George's County Public Defender

